

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DANIEL D'AMBLY, AARON WOLKIND, STEVE
HARTLEY, RICHARD SCHWETZ, JOBEL BARBOSA,
MATTHEW REIDINGER, JOHN HUGO, SEAN-
MICHAEL DAVID SCOTT, THOMAS LOUDEN,
ZACHARY REHL, AMANDA REHL, K.R., a minor, by
and through her father ZACHARY REHL, and her mother
AMANDA REHL, MARK ANTHONY TUCCI,

Plaintiffs,

vs.

CHRISTIAN EXOO a/k/a ANTIFASH
GORDON, ST. LAWRENCE UNIVERSITY,
TRIBUNE PUBLISHING COMPANY, NEW
YORK DAILY NEWS, VIJAYA GADDE;
TWITTER, INC., COHEN, WEISS AND
SIMON, LLP,

Defendants.

CIVIL ACTION
NO.: 2:20-cv-
12880-
JMV-JSA

Hon. John M.
Vazquez, U.S.D.J.

Oral Argument
Requested

Return Date:
July 6, 2021

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT CHRISTIAN
EXOO'S MOTION TO DISMISS PURSUANT TO F.R.C.P. Rules 12(b)(2) and
12(b)(6)**

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DECLARATION OF RICHARD TORRES

RICHARD TORRES, an attorney admitted to practice in the State of New Jersey and the United States District Court for the District of New Jersey, hereby affirms under penalty of perjury that:

1. I am an attorney admitted to practice in this court. I represent Defendant Christian Exoo in the above referenced action.
2. I have personal knowledge of the matters stated herein and, if called upon I could and would competently testify thereto.
3. I submit this declaration regarding the attached exhibits.
4. Attached as Exhibit A is a true and correct copy of a signed declaration of Defendant Christian Exoo dated April 16, 2021 demonstrating he has no jurisdictional ties to the State of New Jersey.
5. Attached as Exhibit B-I through B-XI are true and correct copies of the Twitter.com tweets from Defendant Exoo referenced in the Complaint. Exhibit B-I through B-XI are incorporated into the Complaint by reference. See First Amended and Supplemented Complaint at ¶¶ 1-15, 27, 31-37, 39-45, 48, 49, 51, 53, 58, 61, 72, 76-81, 84-87, 90-93, 96-99, 104-106, 108-110, 114-116, 118, 120, 121, 123, 124, 128, 133, 134, 138, 140, 141, 151-153, 157-159, 162-165, 168-170, 173-175, 187, 188, 192-195, 197-206, 211-215, 219-225, 233, 235-237.

B-I - Exoo-Schwetz Tweets

B-II - Exoo-D'Ambly Tweets
B-III - Exoo-Scott Tweets
B-IV - Exoo-Wolkind Tweets
B-V - Exoo-Rehl Tweets
B-VI - Exoo-Hartley Tweets
B-VII - Exoo- Tucci Tweets
B-VIII - Exoo-Reidinger Tweets
B-IX -Exoo-Barbosa Tweets
B-X - Exoo-Hugo Tweets
B-XI - Exoo-LoudenTweets

6. Attached as Exhibit C is a true and correct copy of the 2019 Terrorism Threat Assessment Report of the New Jersey Office of Home Security and Preparedness. The government report is publicly available and may be found at the following internet website:

https://www.njhomelandsecurity.gov/s/ThreatAssessment-Booklet-2019_Final.pdf.

This government report is judicially noticeable pursuant to *Fellner v. Tri-Union Seafoods, L.L.C.*, Civil Action No. 06-CV-0688 (DMC), 2010 U.S. Dist. LEXIS 36195, at *19 n.8 (D.N.J. Apr. 13, 2010) (taking judicial notice of publicly available governmental reports). See also *In re Wellbutrin SR/Zyban Antitrust Litigation*, 281 F. Supp.2d 751, 754 (E.D.Pa. 2003) (taking judicial notice of FDA report posted on the official FDA website).

7. Attached as Exhibit D is a true and correct copy of the 2020 Terrorism Threat Assessment Report of the New Jersey Office of Home Security and Preparedness. This government report is publicly available and may be found at the following internet website: <https://www.njhomelandsecurity.gov/s/2020->

[Terrorism-Threat-Assessment.pdf](#). This government report is judicially noticeable pursuant to *Fellner v. Tri-Union Seafoods, L.L.C.*, Civil Action No. 06-CV-0688 (DMC), 2010 U.S. Dist. LEXIS 36195, at *19 n.8 (D.N.J. Apr. 13, 2010). *See also In re Wellbutrin SR/Zyban Antitrust Litigation*, 281 F. Supp.2d 751, 754 (E.D.Pa. 2003).

8. Attached as Exhibit E is a true and correct copy of the indictment against Plaintiff Zachary Rehl from *U.S. v. Zachary Rehl*, 1:21-cr-00175 (D.D.C. March 10, 2021). Official documents in a federal court proceeding are judicially noticeable under F.R.E. 201.

9. Attached as Exhibit F-I and F-II are true and correct copies of social media linked by Exoo Tweets from Exhibit B-III. Exhibit F-I contains tweets by Twitter User WANaziWatch. Exhibit F-II is an article by Puget Sound Anarchists, *Community Alert: Neo-Nazi Proud Boy Sean-David Michael Scott Exposed*, September 16, 2019 available at <https://pugetsoundanarchists.org/community-alert-neo-nazi-proud-boy-sean-michael-david-scott-exposed/> (last accessed 4/21/21). *See* First Amended and Supplemented Complaint at ¶¶ 12, 128.

10. Attached as Exhibit G-I and G-II are true and correct copies of the information and complaint affidavit from the matter of *U.S. v. Mark Sahady*, 1:21-mj-00108 (D.D.C. January 18, 2021). Official documents in a federal court proceeding are judicially noticeable under F.R.E. 201.

11. Annexed as Exhibit H is the United States District Court for the District of New Jersey. [Model] RICO Case Order, Exhibit O to the District Court's Local Rules.

12. Annexed as Exhibit I is a [PROPOSED] Order granting the instant motion.

I declare under penalty of perjury under the laws of the District of New Jersey and the laws of State of New Jersey that the facts set forth above are true and correct.

Executed this 22nd day of April 2021, at Springfield, New Jersey.



Richard Torres